FORM OF ORDER SHEET

Court of _____

Appeal No. 904/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2024	The appeal of Mr. Shahryar khan resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.07.2024. Parcha Peshi given to the counsel for the appellant. By the order of Chairman REGISTRAR

The appeal of Mr. Sheheryar Khan received today i.e on 24.06.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

1- Appeal has not been flagged/marked with annexures marks.
2- Affidavit is not attested by the Oath Commissioner.
3- Check list is not attached with the appeal.
4- Annexures of the appeal are unattested.
5- Annexure-D & F of the appeal are illegible.
6- Four more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 256 /Inst./2024/KPST,

Dt. 25/6 /2024.

25/6/24

OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv.
High Court Peshawar.

Respected Sir,

1- Removed
2- Removed
3- Removed
4- Removed
5- Annexture D and F been flared with better copies
6- Removed

All objections removed and resubmitted

Adv: Shaukat Ali Yousafzai

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 904 /2024

Sheheryar Khan VS Police Deptt

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APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell No.03339390916
&
(SHAKIR ULLAH TORANI)
ADVOCATE

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 904 /2024

Sheheryar Khan, Ex-Class-IV (Cook),
Elite Force, Peshawar.

(APPELLANT)

VERSUS

3. The Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
4. The Superintendent of Police, HQrs, Elite Force, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21.02.2024, WHEREBY THE APPELLANT HAS BEEN REMOVED FROM THE SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2024 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:
FACTS:

1. That the appellant was appointed as Class-IV (Cook) in Elite Police Training Centre Nowshera in the year 2015 after fulfilling all codal formalities by the respondent department and since his appointment, the appellant was performing his duty with devotion and honesty, whatsoever, assigned to him and no compliant has been filed by his superiors regarding his performance.

2. That the appellant was regularly performing his duty with his best ability and capability and has also granted commendation certificates for his good performance along with cash reward by the his high ups and has given training in his field/cadre i.e cooking by in the EPTC, Nowshera and on completion of his course/training the Principal of the EPTC Nowshera has granted commendation certificate to the appellant for successfully completion of course and clearly mentioned in commendation certificate as *qualified*. **(Copy of commendation certificates is attached as Annexure-A)**

3. That the appellant being cook (Class-IV) along with the other officials were sent to Shiraz Ronaq Hotel Peshawar for training in their respective cadres vide memo dated 17.11.2023, but the concerned administration of the Shiraz Ronaq Hotel assigned other duties to the appellant instead of giving training in his field/cadre of cooking on which the appellant informed his high ups though phone about that issue, however, no action has taken on his phone/complaint and after working for about 10 days at Shiraz Ronaq, the appellant became sick and rush to LRH Hospital and by conducting multiple test Diabetes was diagnosed due to which he was admitted in LRH Hospital and stayed at Hospital for a weak and after recovery from the illness he went back to shiraz Ronaq Hotel to continue his work/ training at Shiraz Ronaq, but he was told by his high ups that you have been dropped from the training and should join EPTC Nowshera on which he went to EPTC Nowshera. **(Copies of letter dated 17.11.2023 and medical report are attached as Annexure-B&C)**

4. That the appellant reported back to Police Lines Peshawar along with the other officials who have completed their training in Hotels, but departmental proceeding was initiated against the appellant through memo dated 31.01.2024 and show cause notice was issued to appellant under Police Rules 1975 (amended 2014) in which following allegation was leveled against him that you have been enlisted as cook in Elite Force, moreover, your were also departed to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part. The appellant submitted his reply to show cause notice in which clearly mentioned that he was

enlisted as cook in the department and is performing his duty with honesty. He has full command on cooking and also received appreciation certificates from his superiors and no compliant has been filed regarding his performance by his superiors. **(Copies of memo dated 31.01.2024, show cause notice and reply to show cause are attached as Annexure-D,E&F)**

5. That charge sheet along with statement of allegations on above mentioned charge were issued to the appellant under Civil Servants (Efficiency & Disciplinary) Rules 2011. The appellant submitted his reply to the charge sheet and gave the same stance as given in show cause notice. **(Copies of charge sheet along with statement of allegations and reply are attached as Annexure-G&H)**

6. That inquiry was conducted against the appellant, but the appellant was never associated with the inquiry proceeding in order to defend himself, even the inquiry report was not provided to the appellant to the appellant along with final show cause notice, therefore the appellant filed an application to provide the inquiry report on which inquiry report was provided to the appellant and in the inquiry report the inquiry officer mentioned that the delinquent Cook Constable (appellant) appeared before the undersigned in person and recorded his written statement and was also cross examined but it necessary to mention here that the appellant was never appeared before the inquiry officer rather reader of SP HQrs Mohsin handed over questionnaire to the appellant through Class-IV and directed the appellant to answer the questions. It is also necessary to mention here that in the inquiry report, the inquiry officer mentioned that the delinquent Class-IV Sheheryar No.559 (Cook) (appellant) was examined in his cadre (Cooking). Cooking test was conducted through CDI Elite Force HQrs. He could not qualify and failed; but test has not been taken from the appellant by any official. **(Copies of application, inquiry report and questionnaire are attached as Annexure-I,J&K)**

7. That final show cause was issued to the appellant under Police Rules 1975 (amended 2014). The appellant submitted his reply to the final show cause notice and gave the same stance as given to show cause notice and charge sheet. **(Copies of final show cause notice and reply are attached as Annexure-L&M)**

8. That on the basis of above baseless allegation and without conducting proper inquiry, the appellant was removed from service vide order dated 21.02.2024 under Police Rules 1975 (amended 2014) and in the removal order dated 21.02.2024 besides allegation mentioned in the charge sheet, it also was mentioned that similarly once again the delinquent Class-IV Sheheryar (Cook) was examined in his cadre (Cooking). Cooking test was conducted through CDI Elite Force HQrs but could not qualify and failed, but test has not taken from the appellant by any official. The appellant filed departmental on

07.03.2024 against the removal order dated 21.02.2024, which was not responded within the statutory period of ninety days. **(Copies of order dated 212.02.2024 and departmental appeal are attached as Annexure-N&O)**

9. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUNDS:

A) That the orders dated 21.02.02024 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.

B) That in the inquiry proceeding, the appellant was never associated with the inquiry proceeding in order to defend himself, which is violation of law and rules and as such the impugned order is liable to be set aside on this ground alone.

C) That in the inquiry proceeding the appellant was never appeared before the inquiry officer rather reader of SP HQrs Mohsin handed over questionnaire to the appellant through Class-IV and directed the appellant to answer the questions and such conduct of the respondent department is against the law and rules and such the impugned order dated 21.02.2024 is liable to be set aside..

D) That in the impugned removal order dated 21.02.2024, it was mentioned that cooking test was conducted through CDI Elite Force HQrs from the appellant, but he could not qualify the test and failed, but test has not been taken from the appellant by any official and the appellant was dismissed from service without any solid reason and proof to judge the efficiency in his field i.e cooking, and as such the impugned removal order dated 21.02.2024 is against the norms of justice and fair play.

E) That the appellant was appointed as Class-IV Cook in the year 2015 after fulfilling all the codal formalities by the respondent department and served the department for more than 08 years and in this respect recommendation certificate was also awarded to him for his good performance and after serving for about long period of 08 years, he

was removed from service on the ground of incapability in respective cadre, which is against the norms of justice and fair play.

F) That the appellant was sent to Shiraz Ronaq Hotel for training in the field of cooking, but the concerned administration of the Shiraz Ronaq Hotel assigned other duties instead of giving training in the field of cooking on which the appellant informed his high ups about that issue, however, no action has taken on his phone/complaint and after working for about 10 days at Shiraz Ronaq, the appellant became sick and rush to LRH Hospital and by conducting multiple test Diabetes was diagnosed due to which he was admitted in LRH Hospital and stayed at Hospital for a weak and after recovery from the illness he went back to shiraz Ronaq Hotel to continue his work/training at Shiraz Ronaq, but he was told by his high ups that you have been dropped from the training and should join EPTC Nowshera on which he went to EPTC Nowshera, but he was removed from service on baseless allegations of not taking interest and returned without obtaining any training, which means that the appellant has performed his work/training as the directed by concerned administration of the Shiraz Ronaq Hotel and his high ups and was removed from service for the fault of the others on baseless allegations without conducting regular to dig out the realty about the allegation, which is against the norms of justice and fair play.

G) That the appellant has properly attended the training at Shiraz Ronaq Hotel Peshawar arranged by the department and after working for about 10 days at Shiraz Ronaq, the appellant became sick and rush to LRH Hospital and by conducting multiple test Diabetes was diagnosed due to which he was admitted in LRH Hospital and stayed at Hospital for a weak and after recovery from the illness he went back to shiraz Ronaq Hotel to continue his work/training at Shiraz Ronaq, but he was told by his high ups that you have been dropped from the training and should join EPTC Nowshera on which he went to EPTC Nowshera and he reported back to Police Lines Peshawar along with other officials, but he removed from service on baseless allegations of not taking interest and returned without obtaining any training, which means that the appellant was removed from service on baseless allegations without conducting regular to dig out the realty about the allegation, which is against the norms of justice and fair play.

H) That the appellant was also discriminated as Deputy Commandant Elite Force directed respondent No.2 vide memo dated 31.01.2024 to initiate disciplinary proceeding against different officials, but no

action has taken against some of them, while the appellant was dismissed from service on baseless allegation which is clear violation of Article-25 of the Constitution of Pakistan.

I) That the opportunity of personal hearing and personal defense was not provided to the appellant, which is against the spirit of Article 10-A of the Constitution.

J) That the appellant has been condemned unheard and has not been treated according to law and rules and has been punished for no fault on his part and as such the impugn order dated 21.02.2024 is liable to be set aside.

K) That the appellant is class-IV employee but he was proceeded under Police Rules 1975 (amended 2014), which is against the law and rules.

L) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the acceptance of this appeal, the order dated 21.02.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.

APPELLANT
Sheheryar Khan

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
&

(SHAKIR ULLAH TORANI)
ADVOCATE

(2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO._____/2024

Sheheryar Khan VS Police Department

AFFIDAVIT

I, Sheheryar Khan, Ex-Class-IV (Cook), Elite Force, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

DEPONENT

Elite Police Training Center, Nowshera

ELITE
KPK POLICE

Commendation Certificate
Class III
This Certificate is Awarded to

Mr. Shehryar, Cook S/O _____

R/O _____

Is Hereby Granted Cash Reward of Rs. 1000/- & CIII Certificate on Account of Good Performance.

Senior Superintendent of Police,
Admn:/Security
Elite Police Training Center, Nowshera

O.B. NO 26

DATED 31/12/21

Elite Police Training Center, Nowshera

ELITE
KPK POLICE

Commendation Certificate

Class III

This Certificate is Awarded to

Mr. SHEHYAR , COOK S/O AMRAIZ

This Certificate is Awarded on Successfully Completion of Cooking Course

Qualified

O.B. NO 17

DATED 23-06-2023

SP SECURITY
EPTC Nowshera

PRINCIPAL
Elite Police Training Center
Nowshera

B (10)

OFFICE OF THE SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.

No. 644-50/R,SP/HQr, EF, Date: 17/11/2023

To, The Manager of Shiraz Ronaq, Hotel,
Peshawar.

Subject: COOKING TRAINING

It is submitted that the following officials of Elite Force are sent to be trained in their respective cadres, please.

S.No.	Name	Designation	Posting
1.	FC Shams Ul Wahab No.559	Cook	Elite HQrs Peshawar
2.	FC Usman Sher No.177	Cook	Elite HQrs Peshawar
3.	Sheryar	Cook	Elite HQrs Peshawar

(SHAH JEHAN DURRANI) PSP
Superintendent of Police,
HQrs, Elite Force, Peshawar.

Copy for information to the:-

1. Principal EPTC, Nowshera
2. DSP/HQrs, Elite Force, Peshawar.
3. Office Superintendent, Elite Force, Peshawar.
4. Line officer, Elite Force, Peshawar.
5. OASI, Elite Force, Peshawar.
6. CDI, Elite Force, Peshawar.

Attested

Assistant Professor
Dr. Khalil Ahmed Orakzai
MBBS, FCPS (ENT)
Specialist: Ear, Nose, Throat
IBP LRH Peshawar

Not Valid for court

اسسٹنٹ پروفیسر
ڈاکٹر خلیل احمد اورکزئی

Pt's Name Sex M Age Date

Clinical Record

Rx

Dr. Khalil Ahmed Orakzai
Assistant Professor of ENT
(Ear, Nose, Throat)
LRH/M.T.I Peshawar

Advised Rest for one week

History of Folliculitis in nose.

(Bold) New facial Swelling

(1) Tab Fortum 1g 1+1 (x5) P.

(2) Tab Cephalexin 500mg (x5) 1+1

(3) Fucidic Cream

(10) [illegible]

چھٹی بروز: منگل

رابطہ نمبر: 9249016

ٹیلیفون نمبر: IBP. 75-E او پی ڈی بلاک لیڈی ریڈنگ ہسپتال پشاور

D (12)

Elite Force Khyber Pakhtunkhwa, Peshawar

No 1556-63/EF

Dated: 31/01/2024

Subject: **DIRECTIONS OF ADDL: IGP ELITE FORCE KHYBER PAKHTUNKHWA DURING HEARING OF COOK.**

S.No.	Name of Official	Decision	Action by
1.	Shehreyar Cook	To be dismissed from service after issuing a Show Cause Notice	SP HQrs: Elite Force Peshawar
2.	Murad Cook	Should be transfer to Miransha to report today, Pay stop, Proceed departmentally	SP HQrs: Elite Force Peshawar
3.	Mahir Ex CDI	Pay stop for keeping unqualified cooks.	Deputy Commandant
4.	Sher Khan Line officer	To be suspended, Pay stop & issue Show Cause Notice.	Deputy Commandant EF / SP HQrs: Elite Force Peshawar
5.	Umar Cook	Transfer to Chitral, take test in cooking, in case of not qualify should be dismissed.	SP HQrs: Elite Force Peshawar
6.	Akhtar Munir Cook	Take test in cooking and report, In case of not qualifying be dismissed.	SP HQrs: Elite Force Peshawar
7.	Haroon Cook	Transfer to D.I Khan today followed by dismissal after enquiry	Deputy Commandant EF / SP HQrs: Elite Force Peshawar
8.	Shamsul Wahab Cook	Transfer to Miransha, To be awarded major punishment on medical grounds	SP HQrs: Elite Force Peshawar
9.	Usman Sher Cook	Pay stop, Transfer to Miransha, to be awarded major punishment on medical grounds	SP HQrs: Elite Force Peshawar

(ABDUS SAMAD) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

1. Superintendent of Police, Elite Force, HQrs: Peshawar.
2. Regional Commander Elite Force Malakand Region.
3. SP NMDs Elite Force Khyber Pakhtunkhwa.
4. Accountant Elite Force, RRF Peshawar & EPTC Nowshera.
5. CDI Elite Force Peshawar

Better copy

D (12)

Elite Force Khyber Pakhtunkhwa Peshawar

No1556-63/FF dated 31.01.2024

Subject: DIRECTION OF ADDL: IGP ELITE FORCE KHYBER PAKHTUNKHWA DURING HEARING OF COOK.

S.No	Name of Official	Decision	Action
1.	Shehreyar cook	To be dismissed from service after issuing show cause notice	SP Hqrs: Elite Force Peshawar
2.	Murad Cook	Should be transfer to Mansehra to report today, pay stop, proceed departmentally	SP Hqrs: Elite Force Peshawar
3.	Mahir Ex CDI	Pay stop for keeping unqualified cooks	Deputy Commandant
4.	Sher Khan Line officer	To be suspended pay stop & issue show cause notice	Deputy Commandant EF/SP HQrs: Elite Force Peshawar
5.	Himat Cook	Transfer to Chitral take test in cooking in case of not qualify should be dismissed	SP Hqrs: Elite Force Peshawar
6.	Akhter Munir Cook	Take test in cooking and report, in case of not qualifying be dismissed	SP Hqrs: Elite Force Peshawar
7.	Haroon Cook	Transferto Di Khan today followed by dismissal after enquiry	Deputy Commandant EF/SP HQrs: Elite Force Peshawar
8.	Shamsul Wahab Cook	Transfer to Mansehra, to be awarded major punishment on medical grounds	SP Hqrs: Elite Force Peshawar
9.	Usman Sher Cook	Pay stop, transfer to Miransha to be awarded major punishment on medical grounds	SP Hqrs: Elite Force Peshawar

(ABDUS SAMAD) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:

1. Superintendent of Police, Elite Force, HQrs: Peshawar.
2. Regional Commander Elite Force Malakand Region.
3. SP NMDs Elite Force Khyber Pakhtunkhwa.
4. Accountant Elite Force, RRF Peshawar & EPTC Nowshera.
5. CDI Elite Force Peshawar.

(14)

F

جناب عالی

بحوالہ شوکاز نوٹس نمبر 36768 مورخہ 31/01/24 جاریہ جناب SP صاحب ٹریفک کوارٹر ایلیٹ فورس پشاور میں بطور ڈیوٹی سائل بطور کلرک سرانجام دے رہا ہوں۔

دوران ملازمت افسران بالا کے حکم سال 2013 میں EPZ زونڈھو میں معتبر تک ... کورسز کے سرٹیفکیٹ حاصل کرکے ڈیپارٹمنٹ حاصل کی۔ مذکورہ کورسز کا سرٹیفکیٹ ریکارڈ پر موجود ہے۔ ڈیپارٹمنٹ حاصل کرنے کے لئے افسران بالا کے حکم پر Sharad جو کہ ... کا سرٹیفکیٹ ہے ایک ماہ کورسز کرکے ڈیپارٹمنٹ حاصل کی۔

یہ کہ سائل سال ... تک ... میں بطور کلرک ڈیوٹی سرانجام دی ... کے ساتھ بطور کلرک ... افسران بالا کے حکم ... ریکارڈ پر موجود ہیں۔ ... سرانجام دے رہا ہوں۔

چونکہ سائل ... اور گھر کا واحد کفیل ہے ... واپس ... کی استدعا کی جاتی ہے۔ ... ہے۔

الـــــ

F (16)

Better Copy

بحوالہ شوکاز نوٹس نمبری 36768 مورخہ 31.01.2024 مجاریہ جناب SP صاحب ہیڈ کوارٹر ایلیٹ فورس پشاور معروض خدمت ہوں کہ سائل بطور کک ایلیٹ فورس بھرتی ہوا ہے اور تاحال بطور کک ڈیوٹی بخوبی ڈیوٹی سرانجام دے رہا ہے۔

دوران ملازمت افسران بالا کے حکم سال 2023 میں نوشہرہ میں منعقد ایک ماہ کوکنگ کورس کر کے سرکاری طور پر رجسٹرڈ سرٹیفیکیٹ حاصل کر کے مزید معلومات حاصل کی مذکرہ کورس کا سرٹیفیکیٹ ریکارڈ پر موجود ہے۔ مزید مہارت حاصل کرنے کے لیے افسران بالا کے حکم پر Sharaz جو کہ خیبر پختونخوا کا برینڈ ہوٹل ہے سے ایک ماہ کورس کر کے مزید مہارت حاصل کی۔

یہ کہ سائل سال 2015 سے لے کر اب تک افیسر زئی بار نوشہرہ میں بطور کک ڈیوٹی سرانجام دی ہے۔ اب تک مختلف افسران بالا کے ساتھ بطور کک رہا ہوں۔ سائل کے خلاف کوئی شکایت ریکارڈ پر موجود نہیں۔ یہ کہ سائل نہایت ایمانداری سے اپنی ڈیوٹی سرانجام دے رہا ہوں۔

چونکہ سائل کا تعلق ایک غریب گھرانے سے تعلق رکھتا ہے اور گھر کا واحد کفیل ہے لہذا شوکاز نوٹس بغیر کسی کاروائی کے داخل دفتر کرنے کی استدعا کی جاتی ہے۔

العبد

G (15)

OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR

CHARGE SHEET

I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Class IV, Shereyu (Cook) of Elite Force as follows:

1. ***You have been enlisted as cook in Elite Force, moreover, you were also sent to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.***

2. By reason of the above, you appear to be guilty of misconduct under the Civil Servants (Efficiency & Disciplinary) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs Elite Force, Peshawar

16

OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR

SUMMARY OF ALLEGATIONS

I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, am of the opinion that Class IV Sheryar (Cook) has rendered himself liable to be proceeded against departmentally as he has committed the following acts and omissions within the meaning of Civil Servants (Efficiency & Disciplinary) Rules, 2011.

SUMMARY OF ALLEGATIONS

1. *He has been enlisted as cook in Elite Force; moreover, he was also sent to get experience by virtue of incapability in respective cadre but he does not take interest and returned without obtaining any training, which shows gross misconduct on your part.*

2. For the purpose of scrutinizing the conduct of the said delinquent Class IV with reference to the above allegations Mr. Ijaz Abazai DSP/HQrs, Elite Force, Peshawar is appointed as Enquiry Officer.

3. The Enquiry Officer shall, in accordance with the provision of the Ordinance shall provide reasonable opportunity of hearing to the delinquent Class IV, record statements etc. and submit findings within (25 days) after the receipt of the order.

4. The accused and a well conversant representative of the department shall attend the proceedings on the date, time and place fixed by the enquiry officer.

SHABIR HUSSAIN SHAH
Superintendent of Police
HQrs Elite Force Peshawar

No. 374-76/R/SP/HQrs/EF, dated Peshawar the 03/09/2020

Copies to the:-

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar.
3. O/ASI/SRC/ FMC, Elite Force, Khyber Pakhtunkhwa Peshawar.
4. This Charge Sheet and Summary of Allegations to be served upon the delinquent Class IV Sheryar (Cook) through reader to DSP/HQrs, Elite Force, Peshawar

SHABIR HUSSAIN SHAH
Superintendent of Police
HQrs Elite Force, Peshawar

جناب عالی!

H (17)

بحوالہ چارج شیٹ نمبر 374-75/ 27.02.2020 بجواب جناب SP صاحب
ڈسٹرکٹ ایلیٹ فورس پشاور معروض خدمت ہوں کہ سائل
بطور کلرک ایلیٹ فورس بھرتی ہوا ہے۔ اور تاحال بطور کلرک ڈیوٹی بخوبی
اپنی ڈیوٹی سرانجام دے رہا ہوں۔

دوران ملازمت افسران بالا کے حکم سال 2023 میں EPTC نوشہرہ
میں منعقدہ ایک ماہ Cooking کورس کر کے سرکاری طور پر سرٹیفکیٹ حاصل کیا
مزید مہارت حاصل کی۔ مرکزی کلاس فورکا سرٹیفکیٹ ریکارڈ پر موجود ہے۔ مزید
مہارت حاصل کرنے کیلئے افسران بالا کے حکم پر Sheraz موٹر حویلیہ ڈیپو محمود
کا پرنٹڈ ہوٹل ہے۔ وہاں سے ایک ماہ کورس کر کے مزید مہارت حاصل کی۔
یہ کہ سائل سال 2015 سے لے کر اب تک افسران کی بارگاہ میں
بطور کلرک ڈیوٹی سرانجام دے رہا ہے۔ اب تک مختلف افسران کے ساتھ بطور کلرک رہا ہوں
سائل کے خلاف کوئی شکایت ریکارڈ پر موجود نہیں۔ یہ کہ سائل ہمیشہ ایمانداری
سے اپنی ڈیوٹی سرانجام دے رہا ہوں۔ اور آئندہ بھی کوشش رکھتا ہوں۔
چونکہ سائل کا تعلق ایک غریب گھرانے سے تعلق رکھتا ہوں اور گھر کا واحد کفیل ہوں
لہذا چارج شیٹ بغیر کسی کارروائی کے واپس دفتر ہذا کی استدعا کی جاتی ہے۔ نیز سرابیان ہے
جو حقیقت پر مبنی ہے۔

الـ

I (18)

کمانڈنٹ صاحب ایلیٹ فورس پشاور

جناب عالی!

گزارش کیا جاتا ہے کہ سائل کو درخواست میں درخواست کیا جاتا ہے
اس سلسلہ میں سائل نے جناب کمانڈنٹ صاحب کو اپیل کی
اپیل مسترد نہ ہونے کی صورت میں سروس سے ریٹائرمنٹ
درخواست دینا پڑا تاکہ سائل کو فوری طور پر بحال کیا جا سکے
سائل کو اپیل نے دوران پیشی درخواست کے سماعت انکوائری
رپورٹ لف کر کے تجویز پیش کی ہے
لہٰذا استدعا ہے کہ سائل کو انکوائری میں 1 عدد فوٹو کاپی دیدی
جائے مہربانی فرمائیں

عین النوازش ہوگی

العارض

آپکا تابعدار کلاس فور شہریار (گنمین)

DSP/L
for opinion pl.

12/6

J (19)

OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.

No 09 /R, DSP/EF, HQrs Date: 13 /02/2024

To: The Superintendent of Police,
HQrs, Elite Force, Peshawar.

Subject: DEPARTMENTAL ENQUIRY AGAINST CLASS-IV SHERYAR (COOK)

Kindly refer to your office Endst: No.374-78/EF, dated Peshawar the 02.02.2024.

In pursuance of your kind directives, the undersigned has completed enquiry in the above cited case. Its stepwise detail is given below:

ALLEGATIONS:

That the delinquent Class-IV Sheryar (Cook) has been enlisted as cook in Elite Force, moreover, he was also sent to get experience by virtue of incapability in respective cadre but he did not take interest and returned without obtaining any training, which shows a gross misconduct on his part.

PROCEEDINGS:

In this regard, Superintendent of Police, HQrs, Peshawar issued him Charge Sheet & Summary of Allegations and Deputy Superintendent of Police Headquarters Elite Force was appointed as enquiry officer.

Charge Sheet & Summary of Allegations was served upon the delinquent Class-IV on 02.02.2024, in reply to Charge Sheet & Summary of Allegations the delinquent Class-IV appeared before the undersigned in person and recorded his written statement and was also cross examined (Enclosed)

12/02/024

Mob: 0310 9872684

CNIC 12301 1699517-5

(20)

FINDINGS:

Keeping in view all the circumstance it has been reflected that the delinquent Class-IV Sheryar (Cook) was examined in his cadre (Cooking), cooking test was conducted through CDI Elite Force HQrs. He could not qualify and failed. Moreover, Upon perusal vide order No.6789-95/OASI/EF, dated: 18.05.2023; he was sent to EPTC Nowshera as well as vide orders No.1037-43/R, SP/HQrs, EF, dated: 17.11.2023 and No.1044-50/R, SP/HQrs, EF, dated: 17.11.2023 the delinquent class-iv was also sent to hotels (Shiraz Ronaq & Serena) for obtaining training in his respective cadre (Cooking) but he did not take interest and returned without getting experience and just passing his time.

CONCLUSION/ RECOMMENDATION:

Having gone through the all materials placed on record as under:

- Show Cause Notice,
- Reply to Show Cause Notice,
- Statement of CDI,
- Statement of the delinquent Class-IV,

The undersigned has reached to conclusion that the delinquent Class-IV Sheryar (Cook) does not take interest to perform his duty as cook and despite of training he could not cook and not even tried to take interest in cooking. Therefore the charges leveled against him in Charge Sheet are stand proved.

IJAZ ABAZAI
Deputy Superintendent of Police,
HQrs, Elite Force, Peshawar.

Elite Force Hqrs
Peshawar

14/02/24

Mob: 0310-9872684

[illegible]

جی ہاں ۔

س - تم نے ٹریننگ کہاں کہاں سے حاصل کی ہے ؟

ج - ایک ماہ EPTC میں اور ایک ماہ [illegible] میں ٹریننگ حاصل کی ہے

س - [illegible] کہاں کہاں ڈیوٹی کی ہے ؟

ج - EPTC آفیسر کی بار میں ڈیوٹی سرانجام دی ہے

س - کیا [illegible] پوری کر سکتے ہو ؟

ج - [illegible]

22

OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR

FINAL SHOW CAUSE NOTICE

I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Peshawar, as competent authority, under Khyber Pakhtunkhwa Police Disciplinary rules,1975 (Amendment 2014) do hereby serve upon you Class-IV Sheryar (Cook) of Elite Force as follow:

That you have been enlisted as cook in Elite Force, moreover, you were also sent to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.

1. Ongoing through the finding and recommendation of the enquiry officer, the material placed on record, I am satisfied that you have committed the omission/commission specified in Police Rules and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Peshawar as competent authority have tentatively decided to impose major penalty upon you, under Police Rules of the said ordinance.

3. You are, therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

4. If no replay to this notice is received within stipulated time of its delivery in normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex- parte action shall be taken against you.

SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar.

No. 459-60 /R.SP/HQrs, EF, Date: 13/02/2024

This final show cause notice served upon the delinquent Class-IV Sheryar (Cook) through reader to DSP HQrs, Elite Force, Peshawar and report this office.

میرے [illegible] شوکاز [illegible] وصول کیا

جناب عالی

M

M (23)

بحوالہ فائنل شوکاز نوٹس نمبری 459/G مورخہ 13/02/2024 جاری شدہ

SP صاحب ہیڈ کوارٹر ایلیٹ فورس پشاور معروض خدمت ہوں کہ سائل بطور رنک ایلیٹ فورس میں بھرتی ہوا ہے اور تاحال بطور رنک ڈیوٹی بھی اپنی ڈیوٹی سرانجام دے رہا ہوں۔

دوران ملازمت افسران بالا کے حکم سال 2023 میں EPTC نوشہرہ میں منعقدہ ایک ماہ cooking کورس کرکے سرکاری طور پر سرٹیفکیٹ حاصل کرکے مزید مہارت حاصل کی مذکورہ کلاس فورس کا سرٹیفکیٹ ریکارڈ پر موجود ہے۔ مزید مہارت حاصل کرنے کیلئے افسران بالا کے حکم پر تشریف لے جاکر ہمیشہ خیر و خوبی کا برینڈ ہوٹل ہے سے ایک ماہ کورس کرکے مزید مہارت حاصل کی۔ یہ کہ سائل سال 2015 سے لیکر اب تک آفیسرز لائن بارہ نوشہرہ میں بطور رنک ڈیوٹی سرانجام دے رہا ہے۔ اب تک مختلف افسران کیساتھ بطور رنک رہا ہوں سائل کے خلاف کوئی شکایت ریکارڈ پر موجود نہیں یہ کہ سائل نہایت ایمانداری سے اپنی ڈیوٹی سرانجام دے رہا ہوں۔

چونکہ سائل کا تعلق ایک غریب گھرانے سے تعلق رکھتا ہے۔ اور گھر کا واحد کفیل ہے لہذا فائنل شوکاز نوٹس بعد کسی کارروائی کے دفتر کرنے کی استدعا کی جاتی ہے۔

یہی میرا بیان ہے جو حقیقت پر مبنی ہے۔

شکیل خان

رنک

0310 9921776

14/02/2024

02

OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR

D.No. 1049

No. 482-89/R,SP/HQr, EF, Date 22-02-24 date: 21/02/2024.

Commandant Elite Force

ORDER

This order will dispose of the departmental enquiry against the delinquent Class-IV Sheryar (Cook). That he was enlisted as Cook in Elite Force, moreover, he was also sent to get experience by virtue of incapability in respective cadre but he did not take interest and returned without obtaining any training.

Similarly once again the delinquent Class-IV Sheryar (Cook) was examined in his cadre (Cooking), cooking test was conducted through CDI Elite Force HQrs but could not qualify and failed.

In this regard Charge Sheet and Summary of Allegations vide No.374-78/R/SP/HQrs/EF dated: 02.02.2024 was issued him and Mr. Ijaz Abazai, Deputy Superintendent of Police, HQrs, Elite Force, Peshawar, was appointed as enquiry officer. Enquiry officer found him guilty during the course of enquiry.

Similarly, the delinquent Cook was issued vide final Show Cause Notice No.459-60/R,SP/HQrs, EF, dated 13.02.2024. Responding to Final Show Cause Notice he submitted his written reply in OR but could not satisfy the undersigned.

Therefore I, Mr. Shabir Hussain Shah, Superintendent of Police, HQrs, Elite Force, Peshawar, being a competent authority in view of the above facts and recommendation of enquiry officer, major punishment "*removal from service*" is hereby awarded upon the delinquent Class-IV Sheryar (Cook). under Police Rules 1975 (Amended 2014)

Order announced!

SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar.

Copy of the above is forwarded for information to the:

1. Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar.
2. Deputy Superintendent of Police, HQrs, Elite Force, Peshawar.
3. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar.
4. PA to Additional Inspector General of Police, Elite Force, Khyber Pakhtunkhwa, Peshawar,
5. Incharge Kot Elite Force, HQrs: Peshawar,
6. SRC /OASI Elite Force Khyber Pakhtunkhwa, Peshawar.
7. FMC Elite Force Khyber Pakhtunkhwa, Peshawar along with (17Pages).

U. No. 1393
Date 7-3-24
Commandant Office

بخدمت جناب کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخواہ پشاور

مضمون: محکمانہ اپیل برخلاف حکم/آرڈر نمبری 482-89/R,SP/HQr,EF مورخہ 21/02/2024 جسکی بناء پر سائل کو Removal from Service کی سزا دی گئی ہے۔

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

گزارش ہے کہ سائل سال 2015 میں پر بحیثیت Cook بھرتی ہوا۔ اور تقریباً 8/9 سال مسلسل EPTC میں تعینات رہ کر بطریق احسن اپنے فرائض سرانجام دی ہے۔ اور اپنے افسران کو کسی قسم کی شکایت کا موقع نہیں دیا ہے۔

سائل نے سال 2021 میں کک کورس EPTC میں کامیابی کے ساتھ کوالیفائیڈ کر کے افسران نے پاس سرٹیفکیٹ عطا کیا۔ جو کہ ہمراہ لف ہے۔ اسکے بعد افسران بالا نے من سائل کو Cooking میں مزید مہارت حاصل کرنے کیلئے شیراز رونق ہوٹل ٹریننگ کیلئے بھیجا۔ بدقسمتی سے سائل نے صرف ایک ہفتہ پریکٹس کر کے، سائل شدید بیمار ہوا اور LRH ہسپتال پشاور میں داخل ہو کر جہاں پر من سائل کو شوگر کی بیماری کی تشخیص ہوئی۔ اور ایک ہفتے تک LRH میں زیر علاج رہا۔ اور سائل کے پاس اسکے میڈیکل ٹریٹمنٹ کاغذات بطور ثبوت موجود ہے۔

اس دوران CDI نے بذریعہ واٹس اپ کال کر کے مجھے EPTC میں SP/Training کے آفس میں حاضری کرنے کا کہا۔ جس پر میں نے Cooking کورس ادھورا چھوڑ کر حکم کی تعمیل کر کے EPTC کو روانہ ہوا۔ اور مزید پریکٹس سے قاصر رہا۔

جناب والا! سائل کو تعلق ایک غریب گھرانے سے ہے۔ اور دو بچے بھی ہیں۔ جسمیں 3 سال کا ایک بیٹا معذور بھی اور اسکا علاج بھی جاری ہے۔ سائل ملازمت کے سوا کوئی دوسرا روزگار نہیں، کہ اپنے بچوں کی دیکھ بھال کر سکیں۔

اس لئے بذریعہ درخواست استدعا ہے۔ کہ مندرجہ بالا حقائق کو مدنظر رکھتے ہوئے، من سائل کو ملازمت پر دوبارہ بحال فرما کر مشکور فرمائیں۔ سائل تاعمر دعا گو رہے گا۔

العبد

آپکا تابعدار شہریار ولد امریز خان (Class-IV (Cook ساکن اسماعیل خیل ڈاکخانہ اکوڑہ خٹک ضلع نوشہرہ

موبائل نمبر 0310-9921776

7/3

26

VAKALAT NAMA

NO._____/2024

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal Peshawar

Shehzyar (Appellant) (Petitioner) (Plaintiff)

VERSUS

Police department (Respondent) (Defendant)

I/We, Shehzyar.

Do hereby appoint and constitute ***TAIMUR ALI KHAN, ADVOCATE HIGH COURT,*** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

Adv: Shaukat Ullah Torani